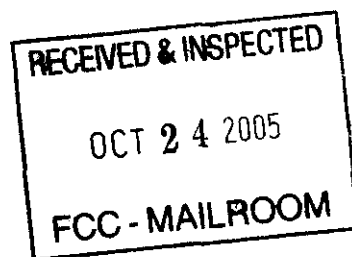


October 17, 2005

Audio Division (Media Bureau)
c/o Office of the Secretary
TW B204, FCC
445-12th St. SW
Washington, D.C.
20554



Re: Petition for Rule Making
New FM-Channel 267C1
Cody, Wyoming

DOCKET FILE COPY ORIGINAL

Dear Secretary:

Enclosed please find an original and three copies of a Petition for Rule Making, filed by L. TOPAZ ENTERPRISES, INC. requesting the allotment of FM Channel 267C1 to Cody, Wyoming as that community's third local FM service.

If this proposal is ultimately adopted, L. TOPAZ ENTERPRISES, INC., will submit a continuing interest in the allocation and for authority to construct and operate a new station on the proposed channel.

An additional copy of the first page of the petition and this letter, is enclosed. Please date-stamp and return to me in the enclosed postage-paid envelope.

If there are any questions, please advise.

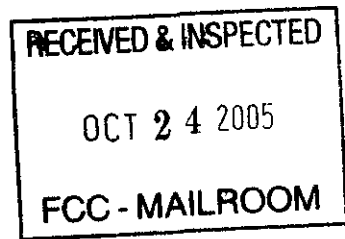
Respectfully submitted,

A handwritten signature in cursive script that reads "Dale A. Ganske".

Dale A. Ganske, President
L. Topaz Enterprises, Inc.

No. of Copies rec'd 0-4
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MB 05-100

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**



In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. _____
Table of Allotments,)	RM - _____
FM Broadcast Stations)	
(Cody, Wyoming))	

To: The Chief, Allocations Branch

PETITION FOR RULE MAKING

Comes now L. TOPAZ ENTERPRISES, INC., (hereafter "Petitioner"), pursuant to Section 1.401 of the Commission's Rules, and respectfully petitions the Commission to amend the FM Table of Allotments, 47 C.F.R. 73.202(b), to allocate FM Channel 267C1 to Cody, Wyoming, as that community's third local FM service.

Proposal of Petitioner:

<u>City</u>	<u>Channel Numbers</u>	
	<u>Present</u>	<u>Proposed</u>
Cody, Wyoming	244C3, 250C	244C2, 250C, 267C1

In support of this proposal, the following information is herewith submitted for consideration:

Cody is an incorporated community located in Park County in northwestern Wyoming. The city population is 8,835 and the county population is 25,786 1/. It is the county seat of Park County. Adoption of this proposal will provide Cody with its third local FM broadcast service.

Attached hereto and made a part of this petition is a Technical Exhibit in support of the requested allotment. Based on the information contained therein, it appears that the requested channel could be allocated to Cody, in full compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules, without the imposition of a site-restriction.

If this proposal is adopted, Petitioner will participate in the auction process, and if successful in obtaining a construction permit, will promptly construct and operate the proposed station at Cody, Wyoming.

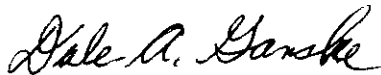
In accordance with Section 1.52 of the Commission's Rules and Regulations, I hereby certify that I have examined the foregoing Petition for Rule Making and the attached Technical Exhibit and that both are true and correct to the best of my knowledge and belief.

1/ Population figures from the 2000 U.S. Census.

WHEREFORE, it is respectfully requested that the instant petition be granted and that the FM Table of Allotments, Section 73.202(b), be amended as requested herein.

Respectfully submitted,

L. TOPAZ ENTERPRISES, INC.



Dale A. Ganske, President
3325 Conservancy Lane
Middleton, WI 53562
Phone (608) 831-8708
Fax (608) 831-6100
E-mail dganske@charter.net

by:

CONTEMPORARY COMMUNICATIONS



Larry G. Fuss, President
9408 Grand Gate Street
Las Vegas, NV 89143
Phone (702) 898-4669
Fax (208) 567-6865
E-mail larryfuss@cox.net

October 18, 2005



TECHNICAL EXHIBIT

IN SUPPORT OF
PETITION FOR RULE MAKING
NEW FM - CHANNEL 267C1
CODY, WYOMING

L. TOPAZ ENTERPRISES, INC.

Prepared October 11, 2005

CONTEMPORARY COMMUNICATIONS, LLC
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TECHNICAL EXHIBIT

**IN SUPPORT OF
PETITION FOR RULE MAKING
NEW FM - CHANNEL 267C1
CODY, WYOMING**

L. TOPAZ ENTERPRISES, INC.

INTRODUCTION

This Technical Exhibit supports the petition of L. TOPAZ ENTERPRISES, INC., seeking to amend the FM Table of Allotments, Section 73.202(b) of the Rules, by allocating FM Channel 267C1 to Cody, Wyoming, as that community's third local FM channel.

ALLOCATION

A study was performed using the computerized **SEARCHFM** frequency search program and the current FCC/NTIS database to determine if Channel 267C1 could be allocated in compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules. The study included all applicable co-channel, adjacent-channel and IF separations. The results of that study indicate that Channel 267C1 may be allocated to Cody in full compliance with Section 73.207(b), without the imposition of a site-restriction.

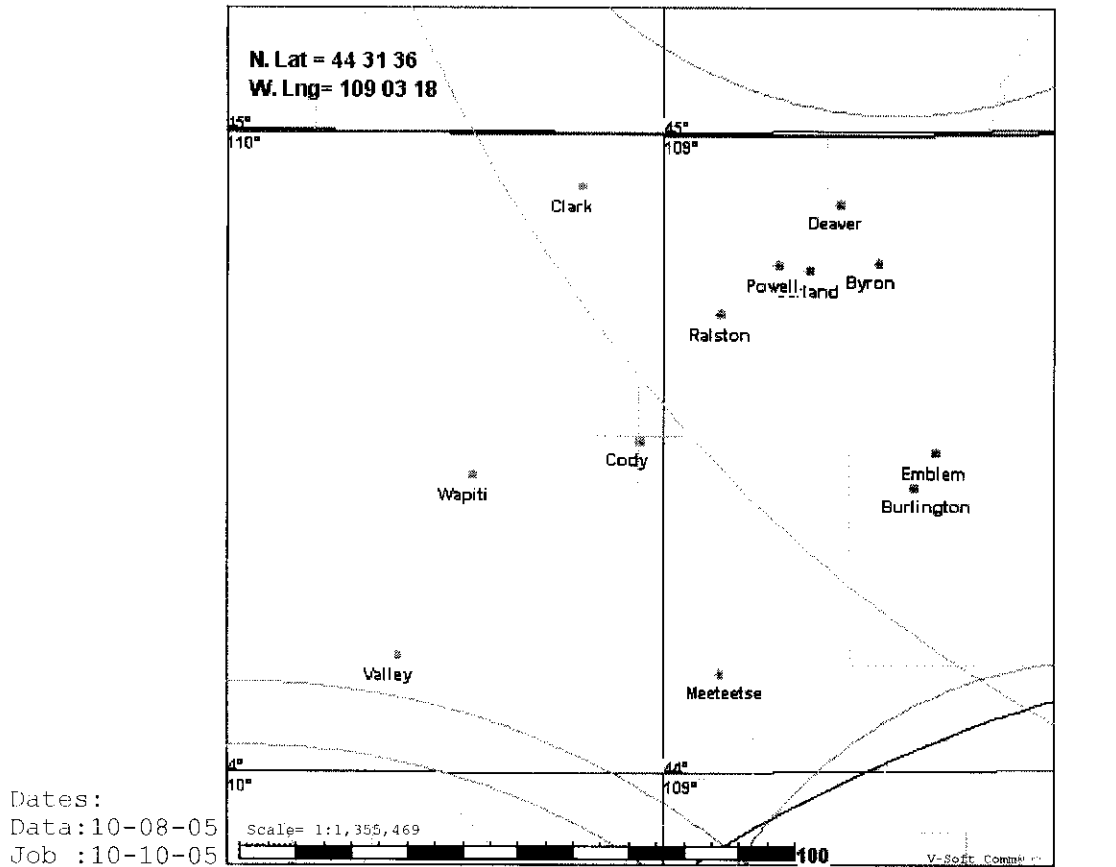
CONCLUSION

The proposed change in the table of allotments will not create a short-spacing to any existing station, pending application or vacant allotment, and will not require the reallocation of any station, pending application or vacant allotment.

A copy of the separation study for Channel 267C1 is attached hereto and made a part of this report (only those stations and channels sufficiently close for concern are noted therein).

###

SEARCHFM^(TM) LOCATE STUDY CH 267 C1 101.3 MHz
CODY WYOMING
SEPARATION STUDY



Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
KIKCFM	267C*	LIC	Forsyth	MT	276.91	47.5	270.0	6.91
KPIN.C	266C3	CP	Pinedale	WY	199.60	200.8	144.0	55.60
KRSQ	270C1	LIC	Laurel	MT	145.29	18.7	82.0	63.29
KDNC	269C1	LIC	N Thermopolis	WY	147.90	144.6	82.0	65.90
KPIN	266A	LIC	Pinedale	WY	199.62	200.8	133.0	66.62
RADD	267C	ADD	Sinclair	WY	340.22	153.5	270.0	70.22
AU062	268C	VAC	Wright	WY	297.40	105.7	209.0	88.40
KCVI	268C	LIC	Blackfoot	ID	310.88	249.7	209.0	101.88
KXLB	264C1	LIC	Livingston	MT	191.27	312.5	82.0	109.27
KZMT	266C	LIC	Helena	MT	355.17	315.3	209.0	146.17
KBUW	213A	LIC	Buffalo	WY	186.68	95.3	22.0	164.68
KGWY	264C1	LIC	Gillette	WY	281.98	95.2	82.0	199.98
AL265	265A	VAC	Bairoil	WY	281.06	154.0	75.0	206.06
RDEL	265A	DEL	Bairoil	WY	281.06	154.0	75.0	206.06
RDEL	265A	DEL	Bairoil	WY	281.06	154.0	75.0	206.06
KAIO.C	214A	CP	Idaho Falls	ID	251.80	245.2	22.0	229.80
RADD	265C3	ADD	Reliance	UT	317.65	182.1	76.0	241.65
AL265	265C3	VAC	Reliance	WY	317.65	182.1	76.0	241.65
NEW .C	269C1	CP	Belt	MT	329.72	333.3	82.0	247.72
KTED.C	265C2	CP	N Douglas	WY	328.19	125.7	79.0	249.19
RDEL	265C2	DEL	Douglas	WY	328.19	125.7	79.0	249.19
RADD	265C1	ADD	Glenrock	WY	333.66	127.4	82.0	251.66
ALLO.V	265A	VAC	Douglas	WY	354.24	122.6	75.0	279.24
990318	213C3	CP	Butte	MT	312.57	303.0	24.0	288.57
KUWZ	213C*	LIC	Rock Springs	WY	337.47	184.1	41.0	296.47
KUWZ.C	213C0	CP	Rock Springs	WY	344.33	180.9	37.0	307.33
KECC	214A	LIC	Miles City	MT	330.82	50.0	22.0	308.82



CERTIFICATION

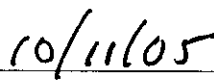
State of Nevada)
) ss.
County of Clark)

I, Larry G. Fuss, do hereby certify as follows:

- 1) I am a qualified and experienced broadcast consultant. I have been actively involved in the broadcast industry since 1972 and currently hold a lifetime FCC General Class Radio Telephone License (License No. PG-8-8450).
- 2) I have prepared numerous applications and rule making petitions which have been accepted for filing with the Federal Communications Commission.
- 3) I have been retained by L. TOPAZ ENTERPRISES, INC., to prepare the attached Technical Exhibit.
- 4) The Technical Exhibit, of which this deposition is a part, and the measurements, calculations, studies and determinations upon which this report is based, were prepared by me or under my supervision and direction. All material contained therein is believed to be true and correct, to the best of my knowledge and belief.



Larry G. Fuss
Affiant



Date